

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAMONT M. GIBSON, SR., )  
Petitioner, )  
                        )  
                        )  
vs.                     )         Civil Action No. 16-1306  
                        )  
                        )  
THERESA A. DELBALSO, Superintendent,)  
Respondent.             )

O R D E R

AND NOW, this 28<sup>th</sup> day of October, 2016, after the petitioner, Lamont M. Gibson, Sr., filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 4), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 3) is dismissed as time barred and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: Lamont M. Gibson, Sr.  
KB-4779  
S.C.I. Mahanoy  
301 Morea Road  
Frackville, PA 17932